

West's Tennessee Code Annotated

Title 40. Criminal Procedure

Chapter 39. Offender Registration and Monitoring

Part 2. Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking

Act of 2004 (Refs & Annos)

T. C. A. § 40-39-206

§ 40-39-206. Centralized record system; noncompliance; data privacy; liability; rules and regulations

Effective: July 1, 2014

[Currentness](#)

(a) Using information received or collected pursuant to this part, the TBI shall establish, maintain and update a centralized record system of offender registration, verification and tracking information. The TBI may receive information from any credible source and may forward the information to the appropriate law enforcement agency for investigation and verification. The TBI shall promptly report current sexual offender registration, verification and tracking information to the identification division of the federal bureau of investigation.

(b) Whenever there is a factual basis to believe that an offender has not complied with the provisions of this part, pursuant to the powers enumerated in subsection (e), the TBI shall make the information available through the SOR to the district attorney general, designated law enforcement agencies and the probation officer, parole officer or other public officer or employee assigned responsibility for the offender's supervised release.

(c) Notwithstanding any law to the contrary, officers and employees of the TBI, local law enforcement, law enforcement agencies of institutions of higher education, courts, probation and parole, the district attorneys general and their employees and other public officers and employees assigned responsibility for offenders' supervised release into the community shall be immune from liability relative to their good faith actions, omissions and conduct pursuant to this part.

(d) For any offender convicted in this state of a sexual offense or violent sexual offense, as defined by this part, that requires the offender to register pursuant to this part, the information concerning the registered offender set out in subdivisions (d)(1)-(16) shall be considered public information. If an offender from another state establishes a residence in this state and is required to register in this state pursuant to [§ 40-39-203](#), the information concerning the registered offender set out in subdivisions (d)(1)-(16) shall be considered public information regardless of the date of conviction of the offender in the other state. In addition to making the information available in the same manner as public records, the TBI shall prepare and place the information on the state's Internet home page. This information shall become a part of the Tennessee internet criminal information center when that center is created within the TBI. The TBI shall also establish and operate a toll-free telephone number, to be known as the "Tennessee Internet Criminal Information Center Hotline," to permit members of the public to call and inquire as to whether a named individual is listed among those who have registered as offenders as required by this part. The following information concerning a registered offender is public:

(1) The offender's complete name, as well as any aliases, including, but not limited to, any names that the offender may have had or currently has by reason of marriage or otherwise, including pseudonyms and ethnic or tribal names;

- (2) The offender's date of birth;
  - (3) The sexual offense or offenses or violent sexual offense or offenses of which the offender has been convicted;
  - (4) The primary and secondary addresses, including the house number, county, city and ZIP code in which the offender resides;
  - (5) The offender's race and gender;
  - (6) The date of last verification of information by the offender;
  - (7) The most recent photograph of the offender that has been submitted to the TBI SOR;
  - (8) The offender's driver license number and issuing state or any state or federal issued identification number;
  - (9) The offender's parole or probation officer;
  - (10) The name and address of any institution of higher education in the state at which the offender is employed, carries on a vocation or is a student;
  - (11) The text of the provision of law or laws defining the criminal offense or offenses for which the offender is registered;
  - (12) A physical description of the offender, including height, weight, color of eyes and hair, tattoos, scars and marks;
  - (13) The criminal history of the offender, including the date of all arrests and convictions, the status of parole, probation or supervised release, registration status and the existence of any outstanding arrest warrants for the sex offender;
  - (14) The address of the offender's employer or employers;
  - (15) The license plate number and a description of all of the offender's vehicles; and
  - (16) Whether the offender is an offender against children, as defined by [§ 40-39-202](#).
- (e) For any violent juvenile sexual offender who is adjudicated for a violent juvenile sexual offense, the information concerning the violent juvenile sexual offender set out in (d) shall be confidential, except as otherwise provided under [§ 40-39-207\(j\)](#) and any other provision of law.

(f) The TBI has the authority to promulgate any necessary rules to implement and administer the provisions of this section. These rules shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

#### **Credits**

2004 Pub.Acts, c. 921, § 1; 2005 Pub.Acts, c. 316, § 1; 2007 Pub.Acts, c. 531, §§ 1, 2, eff. June 27, 2007; 2008 Pub.Acts, c. 1164, §§ 5, 15, eff. July 1, 2008; 2008 Pub.Acts, c. 1164, § 6, eff. Jan. 1, 2009; 2010 Pub.Acts, c. 1138, §§ 8 to 10, eff. July 1, 2010; 2011 Pub.Acts, c. 483, § 14, eff. July 1, 2011; 2014 Pub.Acts, c. 770, § 4, eff. July 1, 2014.

#### **Notes of Decisions (3)**

T. C. A. § 40-39-206, TN ST § 40-39-206

Current with laws from the 2019 First Reg. Sess. of the 111th Tennessee General Assembly, eff. through July 7, 2019. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

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